



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on June 11, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST 97-2421

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: TAM-TRANSPORTES AEREOS MERIDIONAIS, S.A. Date Filed: April 28, 1998

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to continue to conduct (for indefinite duration) scheduled, combination services between a point or points in Brazil, via intermediate points, and: (A) New York, New York/Newark, New Jersey; Atlanta, Georgia; Miami, Florida; Orlando, Florida; Detroit, Michigan; Washington, D.C.; Baltimore, Maryland; Houston, Texas; Chicago, Illinois; San Francisco, California; Los Angeles, California; and San Juan, Puerto Rico; on its own behalf; and (B) Austin, Texas; Boston, Massachusetts; Dallas/Fort Worth, Texas; Denver, Colorado; Houston, Texas; Las Vegas, Nevada; Minneapolis/St. Paul, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; Philadelphia, Pennsylvania; Raleigh/Durham, North Carolina; San Diego, California; Seattle, Washington; St. Louis, Missouri; Tampa, Florida; and Vail, Colorado; under a code-share arrangement with American Airlines, only on flights operated by American. (We are acting on the related TAM/American requests for code-share authority in a separate proceeding.)

If renewal, date and citation of last action: March 24, 1998 (in this Docket).

Applicant representative: Robert P. Silverberg, 202-944-3300

Responsive pleadings: None.

DISPOSITION

Action: Approved in part; remainder dismissed. (See below.)

Action date: June 11, 1998

Effective dates of authority granted: June 11, 1998, through June 11, 1999.

Basis for approval: United States-Brazil Air Transport Agreement, as amended, and the November 18, 1997, Memorandum of Consultations.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions

Special conditions/Partial grant/Denial basis/Remarks: The one-year duration of the authority we granted is consistent with our usual policy of granting interim exemption authority in the circumstances presented. We therefore dismissed the application to the extent it sought authority for a longer period.

Action taken by: Paul L. Gretch, Director
Office of International Aviation

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (3) grant of the exemption was consistent with the public interest; and (4) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted or dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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